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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
P14426-US2

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on December 19, 2007

Signature /Melissa Wingo/

Typed or printed name Melissa Wingo

Application Number	Filed
10/091,658	March 4, 2002
First Named Inventor	
Juan-Antonio Sanchez-Herrero	
Art Unit	**Examiner**
2144	Nguyen, Thanh T.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. Registration number 45,602

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/Sidney L. Weatherford/
Signature

Sidney L. Weatherford
Typed or printed name

972-583-8656
Telephone number

December 19, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Sanchez-Herrero et al.	§	Group Art Unit:	2144
Serial No:	10/091,658	§	Examiner:	Nguyen, Thanh T.
Filed:	March 4, 2002	§	Confirmation No:	

Attorney Docket No: P14426-US2
Customer No.: 27045

For: A System and Method for Providing User Services in a Large Telecommunications Network (Amended Title)

Mail Stop Appeal Brief - Patents
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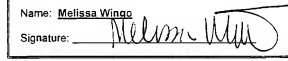
Date: December 19, 2007

Name: Melissa Wingo

Signature: 

Dear Examiner:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Issue regarding the Pre-Appeal Brief Request is as follows:

In the Final Office Action dated 3 Oct 2007, Claims 1-37 are rejected as being unpatentable as follows: claims 1-10, 14-22, 25-31, and 34-37 are rejected as being unpatentable over Chang et al. (U.S. Pat. No. 6,681,114) in view of Philyaw (cited as U.S. Pat. No. 6,835,799, but believed to intend U.S. Pat. No. 6,836,799); and claims 11, 13 21, 23-24, and 32-33 as being unpatentable over Chang and Philyaw in view of Ejzak (U.S. Pat. No. 6.871,070).

Applicants respectfully submit that there is clearly insufficient support for the subject rejection, as will be demonstrated herein.

ARGUMENTS

There is insufficient support for the rejection of independent claims 1, 17, and 35, which stand rejected as being unpatentable over the combination of Chang and Philyaw. There is insufficient support for this rejection because all of the elements of the independent claims are clearly not present in Chang and Philyaw, even when taken in combination.

Applicants respectfully submits that the Reply dated 18 Jul 2007, fully addressed the reasons why this rejection is improper, and this Reply is incorporated herein by reference. For convenience in review, however, certain of these arguments are to some extent recapitulated and amplified herein. (Note that for convenience, references herein to the "Office Action" will refer to the Final Office Action mailed 3 Oct 2007.)

Claim 1 of the present invention recites a User Distribution Server (UDS), and claim 17 recites a telecommunication system comprising a UDS. In each claim the UDS comprises a secondary database having storage for a plurality of user identifiers, each identifying the user under different service environments, and selected service data per specific network server and per user basis. Claim 35 analogously recites the operation of establishing a secondary database in a UDS for storing a plurality of user identifiers and selected service data.

That is, each of the independent claims in the Application includes a UDS element having a secondary database for storing, among other things, a plurality of user identifiers. Neither Chang nor Philyaw teaches or suggests this element.

Initially, it is noted that Chang appears to focus primarily on a scheme for sending advertisements and coupons to customers based on customer-provided information indicating a willingness to receive them. (Chang, col. 3, lines 60-67.) This willingness is manifest in a profile that specifies the user's preferences (col. 6, lines 19-22). The vendor's preferences may also be taken into account (*see, for example*, col. 9, lines 25-29). Multicast messages are formed and transmitted taking these preferences into account (col. 1, lines 51-56).

In paragraph 5 of the Office Action, it is stated that Chang teaches a UDS "disposed to determine . . . the specific network server in charge of a user under a particular service environment". Chang FIG. 3 and various components depicted there are cited in the Office Action as supporting this statement, but neither FIG. 3 nor the explanatory text addressing it provide this support.

Moreover, paragraph 5 of the Office Action (confirmed by paragraph 48) acknowledges that Chang does not "teach having a storage for plurality of user identifiers for identifying the user [under] different service environments, and selected service data per specific network server and per user basis". Applicant agrees that Chang does not teach this limitation explicitly or implicitly. Contrary to the rejection in the Office Action, however, neither is this element taught or suggested by Philyaw.

The concept of a "user identifier" is clearly spelled out in the present Application. Large telecommunication systems now tend to extend across multiple operator networks. Respective networks offer various services and are often based on differing technologies. User identification schemes vary as well, but each include the assignment of one or more unique user identifiers comprising a fixed sequence of characters. In some cases, these user identifiers are numeric, in others alphanumeric, and in yet others special characters may be included as well. (*See* paragraphs [0005] to [0007].) A number of different user identifiers associated with a single user are, for example, illustrated in FIG. 2 (as stored in the secondary database of a UDS).

According to the present invention, the UDS is arranged for acting as a secondary database that comprises a plurality of user identifiers on a per subscriber basis. Each of these user identifiers is applicable in a particular service environment, and is associated with a server identifier (*see* FIG. 2) for addressing the particular server currently in charge of corresponding user data (paragraph [0024]).

Philyaw is basically focused on e-commerce over the Internet (which it refers to generically as a global communication network). It teaches that a user

with a PC can install software for tracking a user profile. The user profile is initiated with user-supplied information when the software is installed. The software provides the user with a "unique ID", and automatically sends the user profile connects to a central registration server. The unique ID is used to track the user's visits to Web sites on the Internet. (Philyaw, col. 25. lines 26 – 45.)

The process of tracking is explained in col. 26, where there is a somewhat misleading statement (if read in isolation) that after registration, the "user is then free to access any web sites on the GCN 306" (col. 26. lines 4-7). In context it is apparent that this statement simply refers (in generic terms) to accessing World Wide Web sites via the Internet, presumably using the software. When the user visits a Web site, such as a vendor site, the unique ID number is passed off so that the user's visit can be tracked. The site server then contacts the central registration server and uses the unique ID to obtain a copy of the profile, which it can use to target the user's interests. (Col. 26, lines 1-38.)

In the Philyaw system, a visited Web site sends information about the user's session to the central registration server, where the user profile may be updated. When the user visits another Web site, the same basic process is followed; the user provides the unique ID, and the subsequent Web site uses it to obtain the (now possibly updated) profile from the central registration server. (Philyaw, col. 27, lines 14-21.) In alternate embodiments, the PC itself may update the user profile by sending information to the central registration server, or may maintain the user profile on a database associated with the PC, basically eliminating the need for the central registration server (col. 28. line 15-30).

What should be apparent is the Philyaw system is configured very differently from the present invention. The present invention provides in a UDS database storage for a plurality of user identifiers (and selected service data) and includes a mechanism for transferring these from selected servers acting as primary databases. The user identifiers (on a per user basis) are stored and associated with a particular network server so that a determination can be made as to what specific network server is in charge of the user under a particular service environment. Philyaw, in contrast, assigns a single, unique ID to each

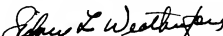
user, which the user then passes to servers associated with Web sites they visit. The unique ID is used to communicate with a central registration server to obtain or to update a profile relating to the user's browsing habits. As should be apparent, the Philyaw user operates in basically one service environment using a single, unique ID, and the purpose of the unique ID is very different from the plurality of user identifiers stored in the UDS of the present invention.

In other words, the multiple "user identifiers" of the present invention and the "unique ID" of Philyaw are not equivalent. Moreover, the secondary database of the present invention, which stores the user identifiers and service data prior to user connection with a primary data base server, is not the central registration server of Philyaw, which simply collects information from visited Web sites.

Philyaw clearly does not supply the element of independent claims 1, 17, and 35 that is acknowledged not to be present in Chang. The rejection of the independent claims is not supported by the cited art.

Therefore, the Applicant respectfully submits that the rejection of independent claims 1, 17, and 35 is not supported by the referenced prior art, and that the allowance of the subject claims - and all the claims depending therefrom - is respectfully requested.

Respectfully submitted.



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Date: December 19, 2007

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